

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHEL PATRICK PAYNE acting as
Personal Representative of
Agnes O. Payne, deceased,

Plaintiff,

vs.

FEDERAL NATIONAL MORTGAGE
ASSOCIATION, et al.,

Defendants.

8:15CV385

ORDER

This matter is before the court sua sponte. The plaintiff appears to have filed this action as the personal representative on behalf of Agnes O. Payne, deceased, or her estate. **See** Filing No. 1. Legal counsel has not entered an appearance on behalf of Mr. Payne, Mrs. Payne, or the estate.

“In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein.” 28 U.S.C. § 1654. “[U]nlicensed individuals may not represent other parties in Federal Court under this Statute.” **Turner v. Am. Bar Ass’n**, 407 F. Supp. 451, 475 (N.D. Tex. 1975) aff’d sub nom. **Taylor v. Montgomery**, 539 F.2d 715 (7th Cir. 1976) and aff’d sub nom. **Pilla v. Am. Bar Ass’n**, 542 F.2d 56 (8th Cir. 1976). “[A] corporation may appear in the federal courts only through licensed counsel.” **Rowland v. California Men’s Colony**, 506 U.S. 194, 202 (1993); **Ackra Direct Mktg. Corp. v. Fingerhut Corp.**, 86 F.3d 852, 857 (8th Cir. 1996). “[T]he rationale for that rule applies equally to all artificial entities.” **Rowland**, 506 U.S. at 202. Natural persons only may petition courts themselves and appear pro se. **Id.** at 203.

[B]ecause pro se means to appear for one’s self, a person may not appear on another person’s behalf in the other’s cause. A person must be litigating an interest personal to him. For example, a lay person may not represent a corporation or a partnership or appear on behalf of his or her own minor child.

Iannaccone v. Law, 142 F.3d 553, 558 (2d Cir. 1998); **see also** *Guest v. Hansen*, 603 F.3d 15, 20 (2d Cir. 2010) (holding “an administr[ator] or execut[or] of an estate may not proceed pro se when the estate has beneficiaries or creditors other than the litigant”).

There is no evidence in the record Mr. Payne is a licensed attorney. In the Eighth Circuit, an entity is technically in default absent representation by licensed counsel. *Ackra Direct*, 86 F.3d at 857. The court will allow the plaintiff time to secure counsel or clarify the Complaint to state a claim on his own behalf. If the plaintiff fails to respond to this order or obtain substitute counsel for the estate, the court may enter an order striking claims brought on behalf of the estate. **See** Fed. R. Civ. P. 41(b). Accordingly,

IT IS ORDERED:

The plaintiff shall have to **on or before November 20, 2015**, to have licensed counsel enter an appearance on the estate’s behalf, clarify the complaint, or show cause why the estate’s claims should not be dismissed.

Dated this 22nd day of October, 2015.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge